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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,330	02/18/2004	Hideki Hirayama	10449-079001 / PIS2003324	9450
69713 7590 01/23/2008 OCCHIUTI ROHLICEK & TSAO, LLP 10 FAWCETT STREET CAMBRIDGE, MA 02138			EXAMINER ALUNKAL, THOMAS D	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 01/23/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/781,330	Applicant(s) HIRAYAMA ET AL.	
	Examiner Thomas D. Alunkal	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-10, 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-10, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments filed 11/13/07 have been fully considered but they are not persuasive.

Regarding applicant's arguments beginning on page 7 and continuing on page 8 of Remarks, applicant argues that Minamino does not disclose a clock generating device comprising, among other features, a hold signal generator for generating a first hold signal that holds the frequency of the oscillation signal of the PLL circuit during a first period in accordance with a detection, and a second hold signal that holds the frequency of the oscillation signal of the PLL circuit during a second period in accordance with the detection, which differs from the first period, and a signal selector, connected to the hold signal generator, for providing a PLL circuit with either one of the first and second hold signals, as recited in independent claim 2. Applicant also argues that Minamino does not disclose a clock generating device comprising, among other features, a monitor, connected to the PLL circuit, for monitoring a wobble signal, wherein the monitor generates a first hold signal that holds the frequency of the oscillation signal of the PLL circuit during a first period between a first timing and a second timing, at which the cycle of the wobble signal changes, and a second hold signal that holds the frequency of the oscillation signal of the PLL circuit during a second period, which is longer than the first period of the first hold signal measured from the first timing, and a signal selector, connected to the monitor, for providing one of the first and second hold signals to the PLL circuit, as recited in independent claim 12. To support these arguments, applicant states that, "... Minamino does not disclose

signal selector for providing the wobble PLL circuit 14 with either one of the wobble PLL hold signal and the wobble usable 3 signals (first and second hold signals)." The Examiner respectfully disagrees.

Referring to the rejection of claim 2, on pages 2-4 of the Non-final Office Action dated 8/15/07, the Examiner explains that the omission of the inverter acting on the signal exiting Element 73 of Figure 10 results in a second Wobble PLL hold signal. Thus, Minamino discloses first and second hold signals. Furthermore, the Wobble PLL hold signals of Minamino act only on the Wobble PLL circuit (14) of Figure 14. As discussed in final paragraph of page 3 continuing on page 4 of the Office Action, the two hold signals are then selectively chosen as inputs to the Wobble PLL circuit (14). Thus, the Examiner believes that all the limitations of claim 2 are met. Claim 12 recites similar limitations and are these also believed to be met. Accordingly, the previous grounds of rejection are maintained.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minamino et al. (hereafter Minamino)(US 6,657,929), as applied to the Office Action dated 8/15/07.

Claims 7-10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minamino in view of Katoh (US 6,088,311), as applied to the Office Action dated 8/15/07.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Konishi (US 6,104,682) discloses a disk apparatus having a data reproducing system using a digital PLL. Maekawa (US 6,606,286) discloses a track

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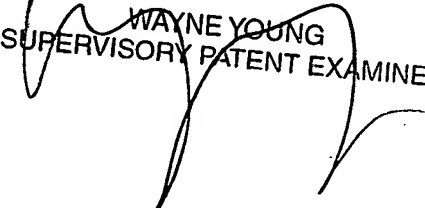
loss signal generating apparatus used in an optical disc drive equipped with amplitude adjusting apparatus for a tracking error signal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Alunkal whose telephone number is (571)270-1127. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571)272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas Alunkal/
Examiner AU 2627


WAYNE YOUNG
SUPERVISORY PATENT EXAMINER